

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

**REVISED**

September 15, 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](http://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, 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**

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

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

District Negotiators: Kirsten Vital Brulte/Clark Hampton  
Attorney: Andreas Chialtas  
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: Capistrano Unified School District and 1) New Home Company Southern California, LLC who may purchase the District's option to purchase the Property from Pacific Point Development Partners/Taylor Morrison of California LLC pursuant to an existing Purchase and Sale Agreement between the District and New

**EXHIBIT B-2**

Home Company Southern California, LLC, which may be further amended by the parties; or 2) one or more potential other buyers for the Property 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)

**C. 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 C-2**

**F. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Gregory Merwin/Kathy Purcell  
Attorney – Justin Shinnfield  
Significant Exposure to Litigation – Seven Cases

ADR Case Number 20200717M

ADR Case Number 20201208M

ADR Case Number 20210305M

ADR Case Number 20210324M

ADR Case Number 20210729

ADR Case Number 20210809

ADR Case Number 20210813

(Pursuant to Government Code § 54956.9(d)(2))

**EXHIBIT F-1**

**EXHIBIT F-2**

**EXHIBIT F-3**

**EXHIBIT F-4**

**EXHIBIT F-5**

**EXHIBIT F-6**

**EXHIBIT F-7**

Clark Hampton/John Forney

Attorney – Terry Tao

Significant Exposure to Litigation – One Case

(Pursuant to Government Code § 54956.9 (d)(2) or (3))

**EXHIBIT F-8**

Kirsten Vital Brulte/ Clark Hampton

Attorney – Anthony De Marco

Significant Exposure to Litigation – One Case

(Pursuant to Government Code § 54956.9 (d)(2) or (3))

**EXHIBIT F-9**

**G. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Gregory Merwin/Kathy Purcell  
Attorney – Justin Shinnfield  
Significant Exposure to Litigation – Four Cases

OAH Case Number 2021040148

OAH Case Number 2021050085

OAH Case Number 2021050269

OAH Case Number 2021060521

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

**EXHIBIT G-1**

**EXHIBIT G-2**

**EXHIBIT G-3**

**EXHIBIT G-4**

**H. STUDENT READMISSION**

Mike Beekman

One Case

Case # 2020-031

**EXHIBIT H-1**

**I. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT**

Tim Brooks

Executive Director, Cultural Proficiency, Equity, Access, and Social Emotional Learning

*(Pursuant to Government Code § 54957)*

**EXHIBIT I-1**

**RECORDING OF SCHOOL BOARD MEETINGS**

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

**OPEN SESSION AT 7:00 P.M.**

**CALL TO ORDER – ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF THE AGENDA**

**REPORT ON CLOSED SESSION ACTION**

**BOARD AND SUPERINTENDENT COMMENTS**

**STUDENT BOARD MEMBER REPORT**

**ORAL COMMUNICATIONS (Non-Agenda Items)**

Oral Communications will occur immediately following Board and Superintendent Comments. The total time for Oral Communications shall be twenty (20) minutes. Individual presentations are limited to a maximum of three (3) minutes per individual.

**PUBLIC HEARING**

**1. PUBLIC HEARING: RESOLUTION NO. 2122-15, DETERMINING STEPS TO ENSURE AVAILABILITY OF TEXTBOOKS AND INSTRUCTIONAL MATERIALS, FISCAL YEAR 2021-2022:** Page 1  
**EXHIBIT 1**

This is an annual item. The Board will conduct a public hearing on Resolution No. 2122-15, Determining Steps to Ensure Availability of Textbooks and Instructional Materials, Fiscal Year 2021-2022. Supporting documentation is located in Exhibit 32.

***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 5  
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 \$42,087.85 in cash. These funds will be deposited in the appropriate school accounts. Items other than cash have no financial impact on the budget. The District does not guarantee maintenance of items or the expenditure of any District funds for continued use.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
3. **PURCHASE ORDERS, COMMERCIAL WARRANTS AND PREVIOUSLY BOARD-APPROVED BIDS AND CONTRACTS:** Page 7  
EXHIBIT 3  
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 \$27,926,309.72 and the commercial warrants total \$21,614,169.88. 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 99  
EXHIBIT 4  
This is a monthly item. Approval of the District standardized Independent Contractor, Professional Services, Field Service and Master Contract agreements. The expenditures related to the listed agreements were previously authorized as part of the District’s budget approval process. The exhibit shows 21 new agreements totaling \$1,195,326 and 3 amendments to existing agreements totaling \$150,244. 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. **RESOLUTION NO. 2122-12, ADOPTING THE 2020-2021 ACTUAL GANN LIMIT AND THE 2021-2022 ESTIMATED GANN LIMIT:** Page 227  
EXHIBIT 5  
This is an annual item. Approval of Resolution No. 2122-12, Adopting the 2020-2021 Actual Gann Limit and the 2021-2022 Estimated Gann Limit. Resolution No. 2122-12 establishes the actual Gann Limit for 2020-2021 at \$382,809,175 and the estimated Gann Limit for 2021-2022 at \$394,827,909. Adoption of this Resolution will have no financial implications on either the 2020-2021 or 2021-2022 budgets.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*
6. **SERVICES AGREEMENT EAT REAL CERTIFICATION – UNITED STATES HEALTHFUL FOOD COUNCIL, INC.:** Page 234  
EXHIBIT 6  
This is a new item. Approval of the Services Agreement through United States Healthful Food Council, Inc. doing business as Eat REAL for Food and Nutrition Services (FNS) Eat REAL Certification. Eat REAL will begin the initial, in-depth, comprehensive assessment process of all FNS menus during the 2021-2022 school year, initiate the final assessment process during the 2022-2023 school year, and the official “certification” term will be for the 2023-2024 and 2024-2025 school years. The voluntary assessment and certification process goes above and beyond the School Breakfast Program and National School Lunch Program federal regulations and is made up of 10 standards measuring 34 key performance indicators including use of minimally processed foods, sustainable sourcing and seasonality, animal welfare, antibiotic use sustainability, fresh produce, transparency, waste reduction and management, and more. The agreement is effective July 26, 2021 through July 26, 2023. There is no financial impact.  
*Contact: Clark Hampton, Deputy Superintendent, Business and Support Services*

7. **RESOLUTION NO. 2122-14, RESOLUTION OF THE BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT APPROVING AND AUTHORIZING EXECUTION OF A JOINT COMMUNITY FACILITIES AGREEMENT, AND DELEGATING AUTHORITY RELATED THERETO:** Page 257  
**EXHIBIT 7**

This is a new item. Approval of Resolution No. 2122-14 approving and authorizing the execution of a Joint Community Facilities Agreement (JCFA) with the County of Orange (County) and RMV PA 3 Development, LLC (RMV PA), a Delaware limited liability company relating to Community Facilities District No. 2021-1 of the County of Orange. RMV PA is a master developer of land located in the unincorporated area of the County being developed into the master-planned community known as “Rienda” (project). RMV PA intends to construct approximately 950 residential units and approximately 10.577 acres of commercial development as part of the project. RMV PA requested the County form a community facilities district (CFD) pursuant to the Mello-Roos Community Facilities Act of 1982 and Government Code § 53316.2 which authorizes a CFD to finance facilities pursuant to a JCFA. Accordingly, RMV PA, the County, and the District have negotiated the terms of the JCFA for consideration by the Board. The JCFA relates to the financing of the acquisition or construction of school facilities through CFD bond proceeds. The agreement is effective upon full execution.

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

8. **DONATED SPACE TEMPORARY RIGHT-OF-ENTRY AGREEMENT FOR USE OF CERTAIN SITES TO BE DETERMINED BY THE DISTRICT FOR COVID-19 VACCINE CENTER(S) – COUNTY OF ORANGE – FOR VOLUNTARY VACCINES:** Page 276  
**EXHIBIT 8**

This is a new item. Approval of the Donated Space Temporary Right-of-Entry Agreement with County of Orange for rent-free use of certain sites to be determined by the District. The area will be used for the purpose of providing COVID-19 vaccinations, administered by employees of the County, State of California and/or their vendors or service providers. The COVID-19 vaccines will occur on selected weekdays excluding County and national holidays and will take place after school hours. The County agrees to set aside time for exclusive use for District employees as needed. The agreement will be effective upon execution and will continue indefinitely on a month-to-month basis. Families and employees will use this service as a convenient option for voluntary vaccines. The agreement may be terminated by either party at any time with a 30 day written notice. The District will provide custodial support to open the site(s) and disinfect restrooms after use.

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

## **CURRICULUM AND INSTRUCTION**

9. **MEMORANDUM OF UNDERSTANDING WITH LAGUNA BEACH UNIFIED SCHOOL DISTRICT:** Page 277  
**EXHIBIT 9**

This is an annual item. Approval of the ratification of the Memorandum of Understanding (MOU) with Laguna Beach Unified School District (LBUSD) for the purpose of implementing special education services and programs to students referred by their Individual Education Program team. This agreement will allow the District to provide Adult Transition Program services to students whose current residence is within LBUSD boundaries for the term of July 1, 2021 - June 30, 2022. Services will include access to local community supports and independent living. The District will provide oversight of the program and collaborate in decisions related to educational services. The annual rate paid by LBUSD to the District is approximately \$70,000 deposited into the general fund. There is no financial impact to the District.

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

10. **AGREEMENT WITH THE ART MASTERS LEGACY INSTRUCTIONAL ART PROGRAM FOR 2021-2022:** Page 285  
**EXHIBIT 10**  
This is an annual item. Approval of Agreement with the Art Masters Legacy Instructional Art Program at Truman Benedict, Chaparral, Ladera Ranch, Marblehead, Oso Grande, and Wood Canyon Elementary Schools, September 9, 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. Later, 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 these agreements is \$47,228 funded by gift funds from each participating school site.  
*Contact: Gregory Merwin, Associate Superintendent, Education and Support Services*
11. **CONTRACT FOR PROFESSIONAL DEVELOPMENT WEBINAR WITH LITERACY RESOURCES, LLC:** Page 310  
**EXHIBIT 11**  
This is a new item. Approval of the Contract for Professional Development Webinar with Literacy Resources, LLC, on September 30, 2021, to support improved student outcomes in literacy for Wood Canyon Elementary School. The 1.5 hour webinar will cover information on Heggerty phonemic awareness and intervention for grades 3-5. The intervention is part of Wood Canyon’s Multi-tiered System of Support (MTSS) intervention plan to support Tiers 1 and 2 academic support for students. The contract is \$1,500 funded by school site Title I funds.  
*Contact: Gregory Merwin, Associate Superintendent, Education and Support Services*
12. **AGREEMENT WITH INSTITUTE FOR MULTI-SENSORY EDUCATION:** Page 313  
**EXHIBIT 12**  
This is a new item. Approval of Agreement with the Institute of Multi-Sensory Education to provide a consultant that will offer comprehensive training and materials for each elementary school’s Multi-Tiered System of Supports (MTSS) Specialist and every elementary Special Education Specialist on Orton-Gillingham. There are a total of 37 MTSS Specialists and 63 Education Specialists who will be trained so that every school’s intervention system is supported by this important training. Training sessions take place October 25-29, 2021 and November 29 - December 3, 2021 and will be held virtually. Orton-Gillingham training will provide the critical literacy strategies and skills to provide support and intervention in the fundamentals of literacy. This training will support implementation of academic intensive Tier III interventions for students who need additional support, including students with dyslexia and students with dyslexic tendencies. The cost is approximately \$120,000 funded by Expanded Learning Opportunities fund.  
*Contact: Gregory Merwin, Associate Superintendent, Education and Support Services*
13. **INCOME AGREEMENT NO. 51925 WITH ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:** Page 321  
**EXHIBIT 13**  
This is a recurring item as needed. Approval of Income Agreement No. 51925 with Orange County Superintendent of Schools, August 1, 2021 through June 30, 2022, for services with Orange County Department of Education (OCDE) to provide Gifted and Talented Education (GATE) Certification Training. OCDE will provide teachers with a comprehensive 3-day training by which, upon completion, teachers will receive a certification recognized across Orange County districts. One cohort of 30 teachers will participate in 15 hours of seat time, plus lesson development, implementation, and portfolio development. The required certification content includes the characteristics and social-emotional needs of gifted learners including underserved populations, differentiation of instruction, depth and complexity thinking skills, curriculum compacting, and universal themes. The estimated total expenditure for this agreement is \$3,300 funded by Title II.  
*Contact: Gregory Merwin, Associate Superintendent, Education and Support Services*

14. **MASTER SERVICE AGREEMENT AND STATEMENT OF WORK WITH LANGUAGE LINE SERVICES, INC.:** Page 332  
**EXHIBIT 14**  
 This is an annual item. Approval of Master Service Agreement and Statement of Work with Language Line Services, Inc., September 16, 2021 through June 30, 2022. The District has bilingual staff who conduct interpretation in Spanish and Farsi for parent meetings; however, there are students and parents who require translation in other languages, including Korean, Mandarin, French, Japanese, Russian, Vietnamese, German, and Italian. Language Line Services will provide on-demand phone interpretation services in over 200 languages, as needed. The per minute usage fee for phone interpreting is \$0.94 per minute. An estimated annual usage cost of \$5,000 will be funded by Title III.  
*Contact: Gregory Merwin, Associate Superintendent, Education and Support Services*
15. **PURCHASE CONTRACT WITH IMAGINE LEARNING:** Page 342  
**EXHIBIT 15**  
 This is an annual item. Approval of the purchase contract with Imagine Learning for the 2021-2022 school year, to support improved student outcomes for newly enrolled and Level 1 English learner students, through online English language development activities. The cost per license is \$150. The total purchase contract for 400 licenses and training is \$52,500 funded by Title III.  
*Contact: Gregory Merwin, Associate Superintendent, Education and Support Services*
16. **SALES AND SERVICES AGREEMENT #UCI-2022BC-001:** Page 347  
**EXHIBIT 16**  
 This item was previously approved on July 21, 2021. Approval of the ratification of the Sales and Services Agreement #UCI-2022BC-001 with the University of California Irvine (UCI) Science Project. Staff is returning with this item due to staff error. Due to a clerical error, the complete agreement was not included in the exhibit. Trustees received the scope of work as “appendix” in the July 21, 2021 agenda packet. The updated exhibit includes the full agreement from UCI and Appendix A. The term of the agreement is August 1, 2021 through June 30, 2022, and 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*
17. **ENGLISH LEARNER MASTER PLAN:** Page 359  
**EXHIBIT 17**  
 This is a new item. Approval of the English Learner Master Plan, a District master plan for English learners is a state requirement. The master plan must include policies aligned with the State Board of Education’s English Learner Roadmap. The purpose of the master plan is to provide guidance for consistent implementation of English learner educational programs and services. The English Learner Master Plan includes information on the identification of English proficiency, language acquisition programs, instruction support, English learners with disabilities, reclassification, staffing, professional learning, and English Learner Advisory Committees. It is a state requirement that the District English Learner Advisory Committee (DELAC) shall advise the school district’s governing board on the master plan. The DELAC reviewed and provided input into the development of the District’s English Learner Master Plan on January 28, 2021. All data regarding English learners will be shared with the Board in the English Learner Annual Program Evaluation report which will be presented at the October 20, 2021 Board meeting.  
*Contact: Gregory Merwin, Associate Superintendent, Education and Support Services*

## HUMAN RESOURCE SERVICES

- 18. AGREEMENT NO. 51689 WITH THE ORANGE COUNTY SUPERINTENDENT OF SCHOOLS:** Page 382  
**EXHIBIT 18**
- This is an annual item. Approval of the ratification of the Agreement No. 51689 with the Orange County Superintendent of Schools to allow District educators who choose to enroll in the OCDE Preliminary Administrative Services Credential program to do so as part of Capistrano Unified School District Cohort 2, rather than joining the OCDE group, which requires attendance in Costa Mesa. The agreement is effective April 1, 2021 through April 30, 2022. There is no fiscal impact.
- Contact: Tim Brooks, Associate Superintendent, Human Resource Services*
- 19. AVID COLLEGE READINESS SYSTEM SERVICES AND PRODUCTS AGREEMENT:** Page 389  
**EXHIBIT 19**
- This is an annual item. Approval of the ratification of Advancement Via Individual Determination (AVID) College Readiness System Services and Products Agreement for AVID elementary and secondary membership. This Agreement provides services and products to support 11 secondary AVID sites, as well as 1 elementary AVID site. The contract term is from July 1, 2021 through June 30, 2022. Annual expenditures under this contract for AVID secondary and K-8 memberships and materials are limited to \$45,479 funded by Local Control Funding Formula Supplemental. AVID elementary membership is limited to \$3,099 funded by Title I. Required training is limited to \$8,760 funded by Title II.
- Contact: Tim Brooks, Associate Superintendent, Human Resource Services*
- 20. CONSIDER AND APPROVE REVISED JOB DESCRIPTION:** Page 395  
**EXHIBIT 20**
- This is a revised and upgraded job description. Approval of the job description for the position of Director II, Language Acquisition. After review and consideration of increased responsibilities, staff eliminated the previous position of Coordinator of TK-12 Language Acquisition Instruction Support, and upgraded it to Director II, Language Acquisition, to more accurately reflect the duties performed. This upgrade enables the position to extend the work calendar from 218 work days to 247 work days to support activities that occur over the summer months that include supervision and coordination for initial English Learner Proficiency Assessments for California (ELPAC) testing for new students and incoming kindergartners enrolling for the fall, data and criteria preparation for the reclassification of current English learners (EL), and planning for August teacher training to monitor progress of students who are English learners. The upgraded position also assumes additional responsibilities not included in the Coordinator II position, including support for Mandarin Immersion and State Seal of Biliteracy programs.
- Additional responsibilities added to the Director II that were not included in the Coordinator II position are conducting an annual EL Program Evaluation to monitor and evaluate student achievement to improve student outcomes and close gaps, provide professional development for Bilingual Community Services Liaisons, collaborate with school site staff to implement Achieving Via Individual Determination (AVID) Excel programs to matriculate with AVID programs, and communicating and collaborating with District staff, parents, and students regarding a-g completion requirements related to World Language courses. This position will be placed at Range 59 on the Certificated Management Compensation Schedule, and the anticipated additional cost of \$21,245 will be funded by Local Control Funding Formula Supplemental funds.
- Contact: Tim Brooks, Associate Superintendent, Human Resource Services*
- 21. DIRECTED TEACHING AGREEMENT WITH PEPPERDINE UNIVERSITY:** Page 400  
**EXHIBIT 21**
- This is an annual item. Approval of the Directed Teaching Agreement with Pepperdine University, effective August 18, 2021 and expiring July 31, 2025.



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*

**22. FIRST AMENDMENT TO SUPERVISED FIELDWORK AND STUDENT TEACHING AGREEMENT WITH CHAPMAN UNIVERSITY:** Page 408  
**EXHIBIT 22**

This is an amendment to an annual item. Approval of the First Amendment to Supervised Fieldwork and Student Teaching Agreement with Chapman University, effective August 13, 2021 and expiring August 31, 2023. 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. Chapman University has amended the amount the university directly pays to the supervising teacher. There is no fiscal impact.

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

**23. ORANGE COUNTY DEPARTMENT OF EDUCATION FOURTH QUARTER REPORT – WILLIAMS SETTLEMENT LEGISLATION:** Page 418  
**EXHIBIT 23**

This is a quarterly item. Acceptance of Williams Settlement Legislation Orange County Department of Education (OCDE) Fourth Quarter Report. As a result of the Williams Settlement, Education Code § 35186 mandates school districts establish policies and procedures to resolve deficiencies related to textbooks and instructional materials, teacher vacancies or misassignments, and facility conditions posing a threat to student/staff health or safety. Furthermore, Education Code § 1240 requires OCDE to report visits and reviews of District schools conducted by OCDE, if any. Additionally, the law requires the report be provided to the Board of Trustees at a regularly scheduled public meeting each quarter. During the fourth quarter, the District received no complaints.

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

**24. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CERTIFICATED EMPLOYEES:** Page 421  
**EXHIBIT 24**

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*

**25. RESIGNATIONS/RETIREMENTS/EMPLOYMENT - CLASSIFIED EMPLOYEES:** Page 471  
**EXHIBIT 25**

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**

**26. SCHOOL BOARD MINUTES:** Page 502  
**EXHIBIT 26**

This is a monthly item. Approval of the August 18, 2021 Regular Board meeting minutes.

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

**DISCUSSION/ACTION ITEMS**

**27. COMMITTEE FOR NAMING ALISO NIGUEL HIGH SCHOOL STEM BUILDING:** **DISCUSSION/  
ACTION**

This is a new item. As described in Board Policy 7511, *Naming of Facilities*, the Board of Trustees may form a committee of the Board when a school, grounds, facility, or school building is to be named or renamed. The committee can bring a recommendation forward to the full Board for final approval.

Page 516  
**EXHIBIT 27**

The April 21, 2021 Board agenda included an item to determine if the formation of a Board committee for the naming of school buildings was desired. The Board approved a committee, led by Krista Castellanos, Trustee Area 5, to consider the naming of Aliso Niguel High School STEM Building. This item presents for Board approval, the naming of Aliso Niguel High School STEM Building to the Physical Sciences Building, or the "PhySci" building for short. In addition, the committee recommends each of the six classrooms be named for the following scientist. There is no financial implication to naming this building.

- Classroom 1: Rosalind Elsie Franklin
- Classroom 2: Edith Clarke
- Classroom 3: Chien-Shiung Wu
- Classroom 4: Mario José Molina-Pasquel Henríquez
- Classroom 5: George Washington Carver
- Classroom 6: Marie Maynard Daly

***CUSD WIG 3: Facilities – Optimize facilities and learning environments for all students.  
Contact: Krista Castellanos, Trustee Area 5***

Staff Recommendation

It is recommended the Board President recognize Krista Castellanos, Trustee Area 5, to present this item.

Following discussion, it is recommended the Board of Trustees approve the committee recommendation for the naming of Aliso Niguel High School STEM building and each of the six classrooms.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**28. CULTURAL PROFICIENCY QUARTERLY REPORT:**

This is a quarterly item. This item provides an update on the progress of the implementation of actions within the Cultural Proficiency Plan Board approved on December 16, 2020. The update includes the following completed actions: College and Career Centers at Aliso Niguel and Dana Hills High Schools opened in spring of 2021, and Capistrano Valley High School's opened in September 2021; hired 26 additional counselors at middle schools and high schools to increase support for students; provided training to school and District staff to promote practices around acceptance and understanding diversity; and the item also provides an overview of the structure of the District and school site teams monitoring and implementing the work.

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

**INFORMATION/  
DISCUSSION  
Page 520  
EXHIBIT 28**

**29. SPECIAL EDUCATION COMMUNITY ADVISORY COMMITTEE ANNUAL REPORT:**

**INFORMATION/  
DISCUSSION  
Page 541  
EXHIBIT 29**

This is a new item that will be presented annually. California Education Code §§ 56190-56194 specifies that each Special Education Local Plan Area must establish a Community Advisory Committee (CAC) with parents of students with special needs forming the majority of membership. Other members include parents of other students in the District, general education and special education teachers, school personnel, representatives of public and private agencies, and persons concerned with individuals with exceptional needs. CAC members are appointed by the Board of Trustees for a period of two years in an advisory capacity. CAC responsibilities include: advising the District on the plan for special education, recommending annual priorities, assisting in parent education, recruiting parents and other volunteers, encouraging community involvement in special education, supporting activities on behalf of individuals with special needs, and assisting in parent awareness of the importance of regular school attendance. This presentation will highlight the 2019-2021 CAC accomplishments as well as an update on the 2021-2022 CAC activities.

***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.

**30. CHANGES TO BELL SCHEDULES BEGINNING IN THE 2022-2023 SCHOOL YEAR AND BUS PURCHASE AS A RESULT OF SENATE BILL 328 THE ‘LATE START’ BILL:**

**DISCUSSION/  
ACTION  
Page 559  
EXHIBIT 30**

This is a new item to meet the requirements of Senate Bill (SB) 328. SB 328 was signed into law on October 13, 2019 and requires the school day for middle schools to start no earlier than 8:00 a.m. and high schools to start no earlier than 8:30 a.m. This law includes schools operated as charter schools. The law goes into effect on July 1, 2022 or the date in which a district’s collective bargaining agreement that is operative on January 1, 2020, expires, whichever is later. For the District, this law takes effect in 2022-2023. This item includes proposed bell time adjustments and purchasing eight buses and hiring eight drivers. The financial impact to the general fund is approximately \$1.6 million for the one-time bus purchase and \$0.5 million ongoing for drivers, fuel and maintenance.

***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 approve the bell time adjustments to comply with Senate Bill 328 ‘Late Start Bill’ which includes purchasing eight buses and hiring eight bus drivers.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**31. RESOLUTION NO. 2122-13, PRELIMINARY 2020-2021 FINANCIAL STATEMENTS (UNAUDITED ACTUALS):** **DISCUSSION/ ACTION**  
Page 566  
**EXHIBIT 31**

This is an annual item. The Board of Trustees will be provided with a brief update on the 2020-2021 actuals and the revisions to the 2021-2022 budget. Resolution No. 2122-13 will be forwarded to the Orange County Department of Education, reviewed for accuracy and compliance, and subsequently transmitted to the Superintendent of Public Instruction.

***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 adopt Resolution No. 2122-13, Preliminary 2020-2021 Financial Statements (Unaudited Actuals).

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**32. RESOLUTION NO. 2122-15, DETERMINING STEPS TO ENSURE AVAILABILITY OF TEXTBOOKS AND INSTRUCTIONAL MATERIALS, FISCAL YEAR 2021-2022:** **DISCUSSION/ ACTION**  
Page 718  
**EXHIBIT 32**

This is an annual item. Education Code § 60119 specifies a public hearing shall be held in order to determine whether the District has sufficient standards-aligned textbooks and instructional materials, and encourages participation by parents, teachers, members of the community and bargaining unit leaders. The Board of Trustees shall make a determination through a resolution as to whether each pupil, in each school, in the District, has sufficient textbooks and/or instructional materials, in each of the following subject areas: English/Language Arts, History Social Science, Health, Mathematics, Science, World Languages, and science laboratory equipment.

***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 adopt Resolution No. 2122-15, Determining Steps to Ensure Availability of Textbooks and Instructional Materials, Fiscal Year 2021-2022.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**33. RESOLUTION NO. 2122-16, AUTHORIZING AGREEMENT TO PURCHASE ELECTRICITY VIA COMPETITIVE REQUEST FOR PROPOSALS:** **DISCUSSION/ ACTION**  
Page 723  
**EXHIBIT 33**

This is a new item. The District won a lottery process to be eligible to purchase electricity via competitive Request for Proposals (RFP) within Southern California Edison territory. The Board is asked to consider a Resolution approving an agreement with the School Project for Utility Rate Reduction (SPURR) and authorizing SPURR to conduct the RFP. SPURR is a Joint Powers Authority (JPA) with member agencies consisting of California school districts, county offices of education, and community college districts. The RFP process may result in benefits such as lower and more stable electricity costs, and more control and customization over electricity rate plans and renewable energy content. The agreement is effective upon full execution.

***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. 2122-16, Authorizing Agreement to Purchase Electricity via Competitive Request for Proposals.

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**34. FIRST 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. 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. 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 \_\_\_\_\_

**ADJOURNMENT**

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS  
WEDNESDAY, OCTOBER 20, 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](http://www.capousd.org)

**DISCUSSION/  
ACTION  
Page 728  
EXHIBIT 34**

## **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.*