

CAPISTRANO UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
SEPTEMBER 15, 2021
EDUCATION CENTER – BOARD ROOM

President Bullockus called the meeting to order at 4:09 p.m.

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

ROLL CALL:

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

Trustee Castellanos joined the meeting at 4:10 p.m.
Trustee Hanacek joined the meeting at 4:15 p.m.

The Board recessed to closed session to discuss: Public Health Emergency; Conference with Real Property Negotiators; Conference with Labor Negotiators; Conference with Legal Counsel – Anticipated Litigation; Conference with Legal Counsel – Existing Litigation; Student Readmission; Public Employee Employment/Appointment. **Closed Session Comments**

The regular meeting of the Board of Trustees was called to order by President Bullockus at 7:12 p.m.

ROLL CALL:

Present: Trustees Braunstein, Bullockus, Castellanos, Davis, Hanacek, Jones, McNicholas and Student Adviser Padhya
Absent: None

The Pledge of Allegiance was led by Kyle Jamora, Aliso Niguel High School ASB President, and Reese Raygoza, Aliso Niguel High School ASB Vice President. **Pledge of Allegiance**

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

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

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

Student Adviser Padhya cast a preferential vote of aye to adopt the agenda.

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

Agenda Item #3A – Public Health Emergency
No reportable action.

Agenda Item #3B – Conference with Real Property Negotiators
Property: Pacifica San Juan property, a 7.292 acre property located at the north east corner of Camino Las Ramblas and Avenida California
Trustees gave direction to staff.

Agenda Item #3C – Conference with Labor Negotiators

Trustees gave direction to staff.

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

Significant Exposure to Litigation – Six Cases

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

- ADR Case Number 20201208M
- ADR Case Number 20210305M
- ADR Case Number 20210324M
- ADR Case Number 20210729
- ADR Case Number 20210809
- ADR Case Number 20210813

On agenda item F-8, Trustees gave direction to staff.

On agenda item F-9, Trustees gave direction to staff.

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

Significant Exposure to Litigation – Four Cases

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

- OAH Case Number 2021040148
- OAH Case Number 2021050085
- OAH Case Number 2021050269
- OAH Case Number 2021060521

Agenda Item #3H – Student Readmission

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

- Case # 2020-031

Agenda Item #3I – Public Employee Employment /Appointment

Trustees voted 7-0 to approve staff recommendation to appoint Refugio Gracian, Executive Director, Cultural Proficiency, Equity, Access, and Social Emotional Learning. The effective date will be determined in collaboration with the applicant's current district.

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

No reportable action.

President Bullockus requested a consensus of the Board to modify the individual time allowed for each speaker to two minutes. All Trustees were in favor of reducing the speaker time to two minutes per individual.

The following speakers addressed the Board:

- *Michele Ploessel-Campbell spoke regarding parent volunteers on campus, various events on campus, and homecoming*
- *Tim Ramirez spoke regarding the Arroyo Vista Middle School Step-it-Up fundraiser*
- *Julie Little spoke regarding supporting parent choice for health decisions*
- *Taxpayer One spoke regarding not mandating vaccines for children*
- *Heather Puhek spoke regarding masks causing anxiety in children and being unhealthy*
- *Julie Allen spoke regarding masks not working, and freedom in the schools*

**Board and
Superintendent
Comments
Student Board
Member Report
Oral
Communications**

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- *Robyn Zandeneta spoke regarding no evidence that masks are working and mask mandates*
- *Anna Baldrige spoke regarding COVID quarantines, and mask bullying*
- *Tammy Deering spoke regarding masks being unhealthy and spreading fear*
- *LL Fittler spoke regarding masking in schools and zero evidence that children are getting ill from the virus*
- *Linda Pillsbury spoke regarding parent choice, not the schools, regarding the children*
- *Christy King spoke regarding her opposition to masks*
- *Sherri Andrade spoke regarding her position against masking*
- *David Averell spoke regarding students playing basketball and being required to wear masks and suicide rates being up, anti-masks*
- *Jennifer Loya spoke regarding future vaccine mandates for students*
- *Denise Goddard spoke regarding opposing the mask mandates and vaccine mandates, kids need fresh air*
- *Jessica Geyer spoke regarding schools being twenty one days into the school year, smaller class sizes, normal activities have resumed, and thanked the staff and teachers*
- *Elana spoke regarding anti-masks and anti-vaccines*
- *Deborah Johansson spoke regarding the CUSD safety plan, parents rights to observe the classrooms, parents rights to be involved*
- *Laura N. spoke regarding government taking away our rights, no masks, no vaccines, no critical race theory, protect our children*
- *Paulette Reinsel spoke regarding mask mandates being a violation of rights*
- *Joy Schnapper spoke regarding the ongoing pandemic, teachers and the dedicated professionals at CUSD, and how the collaboration work has been key*

At 8:35 p.m. President Bullockus opened the Public Hearing on Resolution No. 2122-15, Determining Steps to Ensure Availability of Textbooks and Instructional Materials, Fiscal Year 2021-2022.

President Bullockus closed the Public Hearing at 8:35 p.m.

**Public Hearing:
Resolution No.
2122-15,
Determining Steps
to Ensure
Availability of
Textbooks and
Instructional
Materials, Fiscal
Year 2021-2022
Agenda Item 1
Consent Calendar**

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered by the Board to be routine and will be enacted by the Board in one motion in the form listed below. There will be no discussion of these items prior to the time the Board votes on the motion unless members of the Board, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar. The Superintendent and the staff recommend approval of all Consent Calendar items.

President Bullockus asked Trustees for items they wished to pull from the Consent Calendar. Trustee Hanacek pulled agenda items 7, 8, and 11.

The following speakers addressed the Board:

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- *Amanda Dalton spoke regarding agenda item #8 and any monetary exchange or funds received*
- *Malea Anderson spoke regarding agenda item #8 and it not being the Boards right to make decisions for their children, requested the Board to not put donor spots on campuses*
- *David Chen passed out materials to the Board and spoke regarding vaccines, the CDC, vaccines failing and vaccines still being in the experimental stage*
- *Elana spoke regarding agenda item #8 and kids getting vaccines, and stated that parents do not give their consent*
- *Kelvin McClaskey spoke regarding agenda item #8 and stated it is not the Districts responsibility to offer vaccine sites*
- *Lori McClaskey spoke regarding agenda item #8 and stated the community can get vaccines anywhere and the District does not need to offer vaccine sites*
- *Jane Doe spoke regarding agenda item #8 and how the risks outweigh the benefit regarding vaccines and how PCR tests cannot differentiate between the flu or COVID-19*
- *Michele Ploessel-Campbell spoke regarding agenda item #8 and how schools previously offered vaccines throughout the years, and regarding item #12 she thanked staff for promoting programs*
- *Katy Vilhen spoke regarding agenda item #8 and her opposition to vaccine sites at the schools*

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

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

Student Adviser Padhya cast a preferential vote of aye to approve the Consent Calendar.

Approval of donations of funds and equipment.

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

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

**Donation of Funds
and Equipment
Agenda Item 2
Purchase Orders,
Commercial
Warrants and
Previously Board-
Approved Bids
and Contracts
Agenda Item 3
Independent
Contractor,
Professional
Services, Field
Service, and
Master Contract
Agreements
Agenda Item 4**

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Approval of Resolution No. 2122-12, Adopting the 2020-2021 Actual Gann Limit and the 2021-2022 Estimated Gann Limit.	Resolution No. 2122-12, Adopting The 2020-2021 Actual Gann Limit and the 2021-2022 Estimated Gann Limit
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.	Agenda Item 5 Services Agreement Eat Real Certification – United States Healthful Food Council, Inc.
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.	Agenda Item 6 Memorandum of Understanding with Laguna Beach Unified School District
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.	Agenda Item 9 Agreement with the Art Masters Legacy Instructional Art Program for 2021-2022
Approval of Agreement with the Institute of Multi-Sensory Education to provide a consultant that will offer comprehensive training and materials for all Multi-Tiered System of Supports (MTSS) Specialists and Special Education Learning Lab Education Specialists on Orton-Gillingham.	Agenda Item 10 Agreement with Institute for Multi-Sensory Education
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.	Agenda Item 12 Income Agreement No. 51925 with Orange County Superintendent of Schools
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.	Agenda Item 13 Master Service Agreement and Statement of Work with Language Line Services, Inc.
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.	Agenda Item 14 Purchase Contract with Imagine Learning
	Agenda Item 15

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Approval of the ratification of the Sales and Services Agreement #UCI-2022BC-001 with the University of California Irvine (UCI) Science Project.	Sales And Services Agreement #UCI-2022BC-001
Approval of the English Learner Master Plan, a District master plan for English learners is a state requirement.	Agenda Item 16 English Learner Master Plan
Approval of 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.	Agenda item 17 Agreement No. 51689 with the Orange County Superintendent of Schools
Approval of the Advancement Via Individual Determination (AVID) College Readiness System Services and Products Agreement for AVID Elementary and Secondary Membership.	Agenda Item 18 Avid College Readiness System Services and Products Agreement
Approval of the job description for the position of Director II, Language Acquisition.	Agenda Item 19 Consider and Approve Revised Job Description
Approval of the Directed Teaching Agreement with Pepperdine University, effective August 18, 2021 and expiring July 31, 2025.	Agenda Item 20 Directed Teaching Agreement with Pepperdine University
Approval of the First Amendment to Supervised Fieldwork and Student Teaching Agreement with Chapman University, effective August 13, 2021 and expiring August 31, 2023.	Agenda Item 21 First Amendment to Supervised Fieldwork and Student Teaching Agreement with Chapman University
Acceptance of Williams Settlement Legislation Orange County Department of Education (OCDE) Fourth Quarter Report.	Agenda Item 22 Orange County Department of Education Fourth Quarter Report – Williams Settlement Legislation
Approval of the activity list for employment, separation, and additional assignments of certificated employees.	Agenda Item 23 Resignations/Retirements/ Employment – Certificated Employees
	Agenda Item 24

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

**Resignations/
Retirements/
Employment -
Classified
Employees**

Approval of the August 18, 2021 Regular Board Meeting Minutes.

**Agenda Item 25
School Board
Minutes**

President Bullockus recognized Krista Castellanos, Trustee Area 5, to present the item.

**Agenda Item 26
Committee for
Naming Aliso**

Trustee Castellanos introduced students from the Aliso Niguel High School Associated Student Body to present the item.

**Niguel High
School Stem
Building**

It was moved by Trustee Castellanos and seconded by Trustee McNicholas to approve the committee recommendation for the naming of Aliso Niguel High School STEM building and each of the six classrooms. The motion carried 7-0.

Agenda Item 27

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

NOES: None

ABSENT: None

Student Adviser Padhya cast a preferential vote of aye to approve the committee recommendation for the naming of Aliso Niguel High School STEM building and each of the six classrooms.

President Bullockus recognized Gregory Merwin, Associate Superintendent, Education and Support Services, to present this item.

**Cultural
Proficiency
Quarterly Report
Agenda Item 28**

Gregory Merwin, Associate Superintendent, Education and Support Services, also recommended a proposed amendment to remove *Strategy 3.1, Examine School of Choice* due to certain state and federal programs that are implemented to protect a parent's right to attend a school other than their neighborhood school. Staff recommended that Trustees approve this amendment to the plan, with the understanding that staff will continue to review program offerings and opportunities to support our schools with low-enrollment.

The following speakers addressed the Board:

- *James Montross spoke regarding instructional materials, critical race theory, curriculum and masks*

This is an information item only and no Board action is necessary, however, the Board approved the recommended amendment by consensus of the Board.

President Bullockus recognized Greg Merwin, Associate Superintendent, Education and Support Services, to present the item.

**Special Education
Community
Advisory
Committee
Annual Report
Agenda Item 29**

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

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

It was moved by Trustee Hanacek and seconded by Trustee Braunstein to approve the bell time adjustments to comply with Senate Bill 328 ‘Late Start Bill’ which includes purchasing eight buses and hiring eight bus drivers. The motion carried 7-0.

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

Student Adviser Padhya cast a preferential vote of aye to approve the bell time adjustments to comply with Senate Bill 328 ‘Late Start Bill’, which includes purchasing eight buses and hiring eight bus drivers.

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

The following speakers addressed the Board:

- *Jessica Geyer spoke regarding the “Raise the Base” campaign, funding at the federal level, and advocacy work commitment from the PTA/PTSA*

It was moved by Trustee McNicholas and seconded by Trustee Hanacek to adopt Resolution No. 2122-13, Preliminary 2020-2021 Financial Statements (Unaudited Actuals). The motion carried 7-0 by a roll call vote.

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

Student Adviser Padhya cast a preferential vote of aye to adopt Resolution No. 2122-13, Preliminary 2020-2021 Financial Statements (Unaudited Actuals).

President Bullockus recognized Gregory Merwin, Associate Superintendent, Education and Support Services, to present the item.

It was moved by Trustee Hanacek and seconded by Trustee Braunstein to adopt Resolution No. 2122-15, Determining Steps to Ensure Availability of Textbooks and Instructional Materials, Fiscal Year 2021-2022. The motion carried 7-0 by a roll call vote.

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

Student Adviser Padhya cast a preferential vote of aye to adopt Resolution No. 2122-15, Determining Steps to Ensure Availability of Textbooks and Instructional Materials, Fiscal Year 2021-2022.

**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
Agenda Item 30**

**Resolution No. 2122-13, Preliminary 2020-2021 Financial Statements (Unaudited Actuals)
Agenda Item 31**

**Resolution No. 2122-15, Determining Steps to Ensure Availability of Textbooks And Instructional Materials, Fiscal Year 2021-2022
Agenda Item 32**

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It was moved by Trustee Jones seconded by Trustee Braunstein to extend the Board meeting to 11:30 p.m. The motion carried 7-0. **Motion to Extend the Meeting past the Hour**

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

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

It was moved by Trustee Hanacek and seconded by Trustee Castellanos to adopt Resolution No. 2122-16, Authorizing Agreement to Purchase Electricity via Competitive Request for Proposals. The motion carried 7-0 by a roll call vote.

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

Resolution No. 2122-16, Authorizing Agreement to Purchase Electricity Via Competitive Request for Proposals Agenda Item 33

Student Adviser Padhya cast a preferential vote of aye to adopt Resolution No. 2122-16, Authorizing Agreement to Purchase Electricity via Competitive Request for Proposals.

President Bullockus recognized Gregory Merwin, Associate Superintendent, Education and Support Services, to present the item.

The following speakers addressed the Board:

- *Katy Vihen Spoke regarding updating the Board Policy, parental rights and social media opposition*

Trustees gave direction to staff to bring back this policy for a second reading.

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

It was moved by Trustee Hanacek and seconded by Trustee Castellanos to adopt 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. The motion carried 7-0 by a roll call vote.

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

First Reading - Board Policy 5125, Student Records Agenda item 34

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 Agenda Item 7

Student Adviser Padhya cast a preferential vote of aye to adopt 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.

It was moved by Trustee Jones seconded by Trustee McNicholas to extend the Board meeting to 11:45 p.m. The motion carried 7-0.

Motion to Extend the Meeting past the Hour

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

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

It was moved by Trustee McNicholas and seconded by Trustee Hanacek to approve 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. The motion carried 5-2.

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

Student Adviser Padhya cast a preferential vote of aye to approve 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

President Bullockus recognized Gregory Merwin, Associate Superintendent, Education and Support Services, to present the item.

It was moved by Trustee Davis and seconded by Trustee McNicholas to approve Contract for Professional Development Webinar with Literacy Resources, LLC. The motion carried 7-0.

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

Student Adviser Padhya cast a preferential vote of aye to approve Contract for Professional Development Webinar with Literacy Resources, LLC

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

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

Student Adviser Padhya cast a preferential vote of aye to adjourn the meeting.

President Bullockus announced the meeting adjourned at 11:39 p.m.

**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
Agenda item 8**

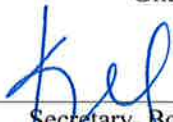
**Contract for
Professional
Development
Webinar with
Literacy
Resources, LLC
Agenda Item 11**

Adjournment

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Board Clerk
Gila Jones, Trustee



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

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